

MONTANA LEGISLATIVE HISTORY

Chapter 70 1985

Bill H 144 S _____ Original bill & history ☒ C

H. Committee on Education & Cultural Resources S. Committee on Education & Cultural Resources

Hearing Date(s) 1-16 _____ C

Hearing Date(s) 2-11 _____ C

1-21 _____ C

_____ C

_____ C

_____ C

_____ C

_____ C

Date Out _____ C

not 1-21

not 2-11

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

HOUSE FINAL STATUS

TRANSMITTED TO SENATE
 1/22 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY
 1/30 HEARING
 2/05 COMMITTEE REPORT-BILL CONCURRED
 2/06 2ND READING CONCURRED 49 0
 2/08 3RD READING CONCURRED 50 0

RETURNED TO HOUSE
 2/13 SIGNED BY SPEAKER
 2/14 SIGNED BY PRESIDENT

2/14 TRANSMITTED TO GOVERNOR
 2/14 SIGNED BY GOVERNOR
 CHAPTER NUMBER 25 EFFECTIVE DATE: 2/14/85

HB 143 INTRODUCED BY BARDANOUVE
 DEPARTMENT OF ADMINISTRATION REVIEW OF BUILDING COST
 ESTIMATES
 BY REQUEST OF LEGISLATIVE FINANCE COMMITTEE

1/11 INTRODUCED
 1/11 REFERRED TO STATE ADMINISTRATION
 1/15 FISCAL NOTE REQUESTED
 1/17 HEARING
 1/18 COMMITTEE REPORT-BILL DO PASS
 1/21 FISCAL NOTE RECEIVED
 1/23 2ND READING PASS AS AMENDED 94 0
 1/25 3RD READING PASS 97 0

TRANSMITTED TO SENATE
 1/26 REFERRED TO STATE ADMINISTRATION
 2/01 HEARING
 2/01 TABLED IN COMMITTEE

HB 144 INTRODUCED BY MARKS, ASAY, ET AL.
 TO PROVIDE THAT HIGH SCHOOL TUITION PAYMENTS BE PAID
 IN DECEMBER AND JUNE

1/11 INTRODUCED
 1/11 REFERRED TO EDUCATION & CULTURAL RESOURCES
 1/16 HEARING
 1/22 COMMITTEE REPORT-BILL PASS AS AMENDED
 1/25 2ND READING PASS 96 0
 1/26 3RD READING PASS 87 0

TRANSMITTED TO SENATE
 1/28 REFERRED TO EDUCATION & CULTURAL RESOURCES
 2/11 HEARING
 2/12 COMM REPORT-BILL CONCURRED AS AMENDED
 2/15 2ND READING CONCURRED 50 0
 2/18 3RD READING CONCURRED 48 0

RETURNED TO HOUSE WITH AMENDMENTS
 3/05 2ND READING AMENDMENTS CONCURRED 91 0
 3/06 3RD READING AMENDMENTS CONCURRED 98 0
 3/09 SIGNED BY SPEAKER
 3/11 SIGNED BY PRESIDENT

3/11 TRANSMITTED TO GOVERNOR

HOUSE FINAL STATUS

3/15 SIGNED BY GOVERNOR
CHAPTER NUMBER 70 EFFECTIVE DATE: 7/01/85

HB 145 INTRODUCED BY KITSELMAN
CHANGING VOTE NEEDED FOR ACTION BY BOARD OF
ADJUSTMENT

1/11 INTRODUCED
1/11 REFERRED TO LOCAL GOVERNMENT
1/17 HEARING
1/18 ADVERSE COMMITTEE REPORT
1/21 BILL KILLED 97 1

HB 146 INTRODUCED BY LORY
DELEGATION OF DEPT. OF ADMINISTRATION CONSTRUCTION
SUPERVISION TO OTHER AGENCIES
BY REQUEST OF DEPARTMENT OF ADMINISTRATION

1/11 INTRODUCED
1/11 REFERRED TO STATE ADMINISTRATION
1/15 FISCAL NOTE REQUESTED
1/17 HEARING
1/18 ADVERSE COMMITTEE REPORT
1/21 FISCAL NOTE RECEIVED
1/21 REREFERRED TO STATE ADMINISTRATION
1/25 COMMITTEE REPORT-BILL PASS AS AMENDED
1/28 2ND READING PASS 86 9
1/29 3RD READING PASS 93 7

TRANSMITTED TO SENATE
1/30 REFERRED TO STATE ADMINISTRATION
3/07 HEARING
3/08 COMM REPORT-BILL CONCURRED AS AMENDED
3/11 2ND READING CONCURRED 44 0
3/13 3RD READING CONCURRED 50 0

RETURNED TO HOUSE WITH AMENDMENTS
4/02 2ND READING AMENDMENTS NOT CONCURRED 96 0
4/12 FREE CONFERENCE COMMITTEE APPOINTED
4/18 FREE CONFERENCE COMMITTEE REPORT

HOUSE
4/19 2ND READING FREE CONFERENCE COMMITTEE
REPORT ADOPTED 90 3
4/19 3RD READING FREE CONFERENCE COMMITTEE
REPORT ADOPTED 93 3

SENATE
4/19 2ND READING FREE CONFERENCE COMMITTEE
REPORT ADOPTED 50 0
4/19 3RD READING FREE CONFERENCE COMMITTEE
REPORT ADOPTED 48 1

4/24 SIGNED BY SPEAKER
4/24 SIGNED BY PRESIDENT

4/25 TRANSMITTED TO GOVERNOR
4/30 SIGNED BY GOVERNOR
CHAPTER NUMBER 648 EFFECTIVE DATE: 4/30/85

HB 147 INTRODUCED BY LORY

1 HOUSE BILL NO. 144
2 INTRODUCED BY Ray [unclear] [unclear]
3 Yellowtail [unclear] [unclear]
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT AT
5 LEAST ONE-HALF OF ANY HIGH SCHOOL TUITION OBLIGATIONS FOR
6 PUPILS ATTENDING HIGH SCHOOL OUTSIDE THE COUNTY OF RESIDENCE
7 BE PAID IN DECEMBER AND THE REMAINDER BE PAID NO LATER THAN
8 THE END OF THE SCHOOL FISCAL YEAR; AMENDING SECTION
9 20-5-312, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 20-5-312, MCA, is amended to read:

13 "20-5-312. Reporting, budgeting, and payment for high
14 school tuition. (1) At the close of the school term of each
15 school fiscal year, the trustees of each high school
16 district shall determine the rate of tuition for the current
17 school fiscal year by:

18 (a) totaling the actual expenditures from the district
19 general fund, the debt service fund, and, if the pupil is a
20 resident of another county, the retirement fund;

21 (b) dividing the amount determined in subsection
22 (1)(a) above by the ANB of the district for the current
23 fiscal year, as determined under the provisions of 20-9-311;
24 and

25 (c) subtracting the total of the per-ANB amount

1 allowed by 20-9-316 through 20-9-321 that represents the
2 foundation program as prescribed by 20-9-303 plus the
3 per-ANB amount determined by dividing the state financing of
4 the district permissive levy by the ANB of the district,
5 from the amount determined in subsection (1)(b) above.

6 (2) Before July 15, the trustees shall report to the
7 county superintendent of the county in which the district is
8 located:

9 (a) the names, addresses, and resident districts of
10 the pupils attending the schools of the district under an
11 approved tuition agreement;

12 (b) the number of days of school attended by each
13 pupil;

14 (c) the amount, if any, of each pupil's tuition
15 payment that the trustees, in their discretion, shall have
16 the authority to waive; and

17 (d) the rate of current school fiscal year tuition, as
18 determined under the provisions of this section.

19 (3) When the county superintendent receives a tuition
20 report from a district, he shall immediately send the
21 reported information to the superintendent of each district
22 in which the reported pupils reside.

23 (4) When the district superintendent receives a
24 tuition report or reports for high school pupils residing in
25 his district and attending an out-of-district high school

INTRODUCED BILL

HB 144

under approved tuition agreements, he shall determine the total amount of tuition due such out-of-district high schools on the basis of the following per-pupil schedule: the rate of tuition, number of pupils attending under an approved tuition agreement, and other information provided by each high school district where resident district pupils have attended school.

(5) The total amount of the high school tuition, with consideration of any tuition waivers, for pupils attending a high school outside the county of residence shall be financed by the county basic special tax for high schools as provided in 20-9-334. In December, the county superintendent shall cause the payment by county warrant of at least one-half of the high school tuition obligations established under this section out of the first moneys realized from the county basic special tax for high schools. The remaining obligations must be paid no later than the end of the school fiscal year. The payment payments shall be made to the county treasurer of the county where each high school entitled to tuition is located. The county treasurer shall credit such tuition receipts to the general fund of the applicable high school district, and the tuition receipts shall be used in accordance with the provisions of 20-9-141.

(6) For pupils attending a high school outside their district of residence but within the county of residence,

the total amount of the tuition, with consideration of any tuition waivers, must be paid during the ensuing school fiscal year. The trustees of the sending high school district shall include the tuition amount in the tuition fund of the preliminary and final budgets. This budgeted tuition amount is not subject to the budget adjustment provisions of 20-9-132. The county superintendent shall report the net tuition fund levy requirement for each high school district to the county commissioners on the second Monday of August, and a levy on the district shall be made by the county commissioners in accordance with 20-9-142. This levy requirement shall be calculated by subtracting from the total expenditure amount authorized in the final tuition fund budget the sum of the cash balance in the tuition fund at the end of the immediately preceding school fiscal year plus any other anticipated money that may be realized in the tuition fund. The trustees shall pay by warrants drawn on the tuition fund the tuition amounts owed to each district included in the county superintendent's notification. Payments shall be made whenever there is a sufficient amount of cash available in the tuition fund but no later than the end of the school fiscal year for which the budget is adopted. However, if the trustees of either the sending or receiving high school feel the transfer privilege provided by this subsection is being abused they

1 may appeal to the county superintendent of schools who shall
2 hold a hearing and either approve or disapprove the
3 transfer."

-End-

STATUS SHEET

1985

LEGISLATIVE SESSION

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

H.B.

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
10	1-7	1-11	1-11	1-11					
11	1-7	1-9	1-11	1-11					
15	1-7	1-9	1-9	1-9					
18	1-7	1-18	2-15			2-15			
71	1-7	1-14	2-15	2-15					
79	1-7	2-4	(TABLED 2-20)						
80	1-7	1-11	1-16			1-16			
99	1-7	1-14	1-16			1-16			
100	1-7	1-9	1-11			w/o rec 1-14			
129	1-10	1-21	1-23	1-23					
144	1-11	1-16	1-21			1-21			
149	1-11	1-16	1-25		Amended 1-25				
194	1-15	1-21	1-21	1-21					
192	1-15	1-23	1-25		Amended 1-25				
188	1-15	1-23	1-25						
209	1-16	1-25	1-28	1-28					

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 16, 1985

The Education and Cultural Resources Committee meeting was called to order January 16, 1985 by Chairman Dan Harrington at 3:00 p.m. in Room 312-3 of the State Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF H.B. 144: Representative Bob Marks, from District #75, introduced H.B. #144 as the sponsor of the bill. He explained that this bill would relieve the cash flow problems to school districts in that it provides for tuition of out-of-county-high school students to be paid two times during the fiscal year to coincide with county tax collections.

PROPOSERS: Helen Williams, County School Superintendent from Boulder, came forward to speak on behalf of the Montana Association of County School Superintendents who support this bill. She relayed that the dollars paid in tuition has increased since 1975 and it presently presents a hardship to pay unappropriated high school monies when they are due. Exhibit 1 was distributed which showed the out-of-county student tuition payments for Jefferson County since the 1982-83 school year. She felt not only would it be advantageous for Jefferson County, who sends many students to Helena High, but for many small counties as well. Also see written testimony, Exhibit 2.

Bob Lawmeyer, Superintendent of Jefferson High in the Boulder Public School District relayed that Jefferson County presently has a tuition bill of about \$135,000 which should have been paid in full in December. At present they do not have any monies from the first tax collection and are being required to pay out money without having it. See Exhibit 7.

Wade Buchanan from the Montana School Board Association spoke in support of the bill.

Bill Anderson, on behalf of Ed Argenbright and the Office of Public Instruction, spoke on the logic of allowing the tuition payments to coincide with the collection of taxes. See Exhibit 3.

Jess W. Long, School Administrators of Montana, brought forth the issue of the district receiving the revenue getting it too late and possibly losing earned interest.

DISCUSSION OF H.B. 144: There being no further proponents and no opponents, the floor was opened for questions and discussion. Rep. Eudaily clarified whether there would be an advantage to having an effective date of July 1st on the bill and Rep. Marks

January 16, 1985

Page 2

replied that it would be important and appropriate to do so. He also asked Helen Williams if the school could spend the money allotted from the prior year and she answered that the funds were carried over. It was reiterated by Rep. Eudaily that the school that is educating the pupils will receive one-half of the tuition in the year in which the students attend, but they would not receive the other half of the funds until the following school year.

There was some discussion whether June 1st would be a better effective date for the bill, and Rep. Peck spoke in favor of payment dates set at June 1st and December 1st.

Representative Marks made closing remarks in regard to H.B. 144.

There being no further discussion, Chairman Harrington closed the hearing on H.B. 144 and opened the floor to hearing H.B. 149.

CONSIDERATION OF H.B. 149: Representative Paul Pistoria from Great Falls District #36 addressed the Committee regarding his dissatisfaction with Sec. 20-09-204 which governs contracting services by a school district. In Exhibits 4 and 5 he showed the Committee copies of this code and a memo regarding an audit request. He explained that a concern lay especially with audits and services over \$7,500. He felt the law was unclear as to what is to be bid and what is not. The bill was introduced with the wording "or provide professional services for the district". Rep. Pistoria also offered an amendment for this bill as follows:

1. Title, line 4.
Following: "THAT"
Insert: "CERTAIN"
2. Page 2, line 16.
Following: "district"
Insert: "other than professional services of
teachers, administrators, architects,
or attorneys"

There being no further proponents, opponents were called for.

OPPONENTS: Wade Buchanan with the School Board Association spoke concern with the number of other professional employees hired by school districts which the amendment would not cover. These employees are specialists in counselling, speech therapy, psychology, etc. Mr. Buchanan felt that if there were a problem in contract bidding, members of the community should go before the local school board to correct the problem.

Bob Laumeyer, Superintendent in the Boulder Public School District, spoke of the fact that in the bidding process the contract does not always go to the lowest bidder, but to the one most qualified to do the best job. He also felt this bill questions and limits the judgement of the trustees.

DAILY ROLL CALL

EDUCATION COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1-16-85

NAME	PRESENT	ABSENT	EXCUSE
Dan Harrington	✓		
Ralph Eudaily	✓		
Ray Brandewie	✓		
William Glaser	✓		
Joe Hammond	✓		
Thom Hannah	✓		
Raymond Harbin	✓		
Roland Kennerly	✓		
Les Kitselman	✓		
John Mercer	✓		
John Montayne	✓		
Richard Nelson	✓		
Jerry Nisbet	✓		
Ray Peck	✓		
Jack Sands	✓		
Ted Schye	✓		
Fred Thomas	✓		
Mel Williams	✓		

EXHIBIT 1
H.B. 144
1-16-85

County Superintendent of Schools
Jefferson County
Helen Williams - Superintendent
P.O. Box H
Boulder, Montana 59632

January 16, 1985

Out of county high school tuition payments for Jefferson
County for 1982-83, 1983-84, 1984-85.

1982-83	64 students at Helena H.S.:	\$	83,032.32
	4 students at Willow Creek H.S.:		4,136.16
	3 students at 3-Forks H.S.:		4,006.38
TOTALS:	<u>71</u>	\$	<u>91,174.86</u>

1983-84	74 students at Helena H.S.:	\$	111,115.10
	1 student at Yellowstone Ranch:		3,100.27
	2 students at 3-Forks H.S.:		2,718.70
	3 students at Willow Creek H.S.:		5,834.46
TOTALS:	<u>80</u>	\$	<u>122,788.53</u>

1984-85	76 students at Helena H.S.:	\$	124,372.48
	1 student at Yellowstone Ranch:		2,550.00
	2 students at 3-Forks H.S.:		5,550.00
	2 students at Willow Creek H.S.:		2,800.00
TOTALS:	<u>81</u>	\$	<u>135,272.48</u>

EXHIBIT 2
H.B. 144
1-16-85

WITNESS STATEMENT

Name John Williams Committee On _____
Address Box 1, Leitch, MT. Date 1/16/85
Representing Stu. Supt. Support X
Bill No. 4, F.H.H. Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

- Comments:
1. Support bill to make A.S. tuition payments in 2 payments Jan. & June to coincide with County tax collections.
 2. Mt. Assoc. of Sch. Supt. support the bill. Counties finding ANB & Co. taxes insufficient to [schools]
 3. pay appropriated school moneys when they are due. Making 2 payments will
 4. alleviate the tax burden & keep all schools happy. The number of tuition agreements in Jefferson Co. has steadily increased since 1975 as well as the individual percentage rate. This hurts the small counties.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

EXHIBIT 3
H.B. 144
1-16-85



OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
HELENA, MONTANA 59620
(406) 449-3095

Ed Argenbright
Superintendent

January 16, 1985

TO: Chairman, House Education Committee
FROM: ~~Dr.~~ Bill Anderson, OPI *WRA*
RE: H.B. 144 by Rep. Marks

Mr. Chairman,

My name is Bill Anderson and I represent the Superintendent of Public Instruction. I rise in support of this bill. Under present law the entire amount of tuition becomes due in December although only $\frac{1}{2}$ of the property taxes have been collected. As property taxes are collected in November and in May, it would appear logical that the payment of tuition would coincide with collection of taxes. For this reason the Superintendent of Public Instruction supports this bill.

WRA:lab

WITNESS STATEMENT

Name Robert L. Laumeyer Committee On Educ.
 Address Boulder Mt. Date Jan. 16, 1985
 Representing Boulder Pub. Sch. Support X
 Bill No. 144 Oppose _____
 Amend June 1 payment

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. *July 1 effective*
 Jefferson Co. presently collects about
 2. \$85,000 on its first $\frac{1}{2}$ county 17 mill
 H.S. levy. This year Jefferson Co. has
 3. a tuition bill of about \$135,000. Present
 law says payment must be made in
 4. full in Dec. H.B. 144 would allow
 the paying county to pay at least $\frac{1}{2}$
 in Dec. and balance by June 1.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Presently counties are being required to pay out
 money that has not yet been collected.
 R. L. Laumeyer

VISITOR'S REGISTER

HOUSE EDUCATION

COMMITTEE

BILL 144

DATE 1-16-85

SPONSOR ROBERT MARKS

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Bill Anderson speaking for the Office of Public Instruction voiced support of the bill.

Chip Erdmann from the Montana School Board Association spoke for the bill as it would make consistent the county high schools with other school districts and does not take any of their power away.

Charles Plymale from the Board of Trustees of Broadwater County High School spoke about the handicap of having a petition signed and not realizing that it wasn't good after a certain time period and having to re-do it.

There being no opponents to the bill, Chairman Harrington called for questions and discussions.

DISCUSSION OF H.B. 194: Discussion ensued regarding the basis of designating a high school as "county" as brought out by Rep. Sands and answered by Bill Anderson with the O.P.I. Mr. Anderson said in the beginning they were set up separately and there has been some discussion to unifying them, but the process is lengthy.

Rep. Koehnke closed the hearing on this bill by saying that he could see nothing detrimental in its content.

ACTION ON H.B. 194: Rep. Hammond moved, Rep. Brandewie seconded, that House Bill 194 DO PASS. The motion carried unanimously by voice vote.

ACTION ON H.B. 144: Rep. Mercer made a motion that H.B. 144 be amended as follows:

1. Title, lines 7 and 8.
Following: "PAID"
Strike: remainder of line 7 through "END"
on line 8
Insert: "BY JUNE 1"
2. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"
3. Page 3, line 17.
Following: "paid"
Strike: "no later than the end"
Insert: "By June 1"
4. Page 5
Following: line 3
Insert: "NEW SECTION. Section 2. Effective date. This act is effective July 1, 1985."

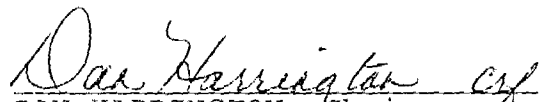
January 21, 1985

Page 4

The motion passed unanimously. Rep. Brandewie made a motion, Rep. Eudaily seconded, that House Bill 144 DO PASS AS AMENDED and the motion carried unanimously by voice vote.

SUBCOMMITTEE ON H.B. 18 & 71: Chairman Harrington appointed the following committee members to serve on a subcommittee to study H.B. 18 and H.B. 71: Ted Schye, Chairman, Ray Brandewie, Ralph Eudaily, Joe Hammond, Tom Hannah, and Mel Williams.

There being no further business, the committee adjourned at 4:35 p.m.


DAN HARRINGTON, Chairman

crf

DAILY ROLL CALL

EDUCATION COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date January 2

NAME	PRESENT	ABSENT	EXCUSE
Dan Harrington	✓		
Ralph Eudaily	✓		
Ray Brandewie	✓		
William Glaser	✓		
Joe Hammond	✓		
Thom Hannah	✓		
Raymond Harbin	✓		
Roland Kennerly		✓	
Les Kitselman	✓		
John Mercer	✓		
John Montayne	✓		
Richard Nelson	✓		
Jerry Nisbet	✓		
Ray Peck	✓		
Jack Sands	✓		
Ted Schye	✓		
Fred Thomas	✓		
Mel Williams	✓		

STANDING COMMITTEE REPORT

JANUARY 21 19 35

MR. SPEAKER

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE Bill No. 144

FIRST reading copy (WHITE)
color

TO PROVIDE THAT HIGH SCHOOL TUITION PAYMENTS BE PAID IN
DECEMBER AND JUNE

Respectfully report as follows: That HOUSE Bill No. 144

BE AMENDED AS FOLLOWS:

1. Title, lines 7 and 8.
Following: "PAID"
Strike: remainder of line 7 through "END" on line 8
Insert: "BY JUNE 1"
2. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"
3. Page 3, line 17.
Following: "paid"
Strike: "no later than the end"
Insert: "By June 1"

AND, AS
AMENDED
DO PASS

4. Page 5
Following: line 2
Insert: "NEW SECTION. Section 2. Effective date.
This act is effective July 1, 1935."

STATE PUB. CO.
Helena, Mont.

REPRESENTATIVE HARRINGTON

Chairman.

COMMITTEE SECRETARY

LEGISLATIVE COUNCIL BILL STATUS SYSTEM
 FINAL COMMITTEE REPORT OF REFERRED BILLS
 COMMITTEE--(S) EDUCATION & CUL.RES.

PAGE NDR..... 135
 RUN TIME 18:07
 RUN DATE.... 04/20/85

CHAIRMAN--BLAYLOCK, CHET
 NORMAL SCHEDULE==> SITE: ROOM 402

DAYS: M-W-F

TIME: 1:00-3:00 P.M.

SECRETARY-ROHYANS, JILL

BILL NO	REFER DT	HEAR DT	CONSIDER	FURTHER CONSIDER	COMMITTEE ACTION	*FISCAL NOTE*			DATE OUT
						ORD'D	REC'D	REREFERRED TO COMM	
HB0010	1/18	1/25	1/25 1/28		CONCUR				1/28 1/28
HB0011	1/18	1/25	2/6		CONCUR AS AMENDED			EDUCATION	2/08
HB0011	2/13		2/15	3/25	TABLED 3/25				
HB0018	3/04	3/20	3/25	3/27	CONCUR			EDUCATION	3/27 3/28
HB0018	3/28		3/29		CONCUR				3/29
HB0080	1/22	1/28	1/28		CONCUR				1/28 1/28
HB0099	1/22	1/28	1/28	2/4	CONCUR AS AMENDED				2/05 2/4
HB0111	1/29	2/11	2/11	3/6	ADVERSE REPORT				3/06
HB0144	1/28	2/11	2/11		CONCUR AS AMENDED				2/12 2/11
HB0194	1/28	2/11	2/11		CONCUR				2/12 2/11
HB0209	2/06	3/08	3/08		CONCUR				2/08 3/8
HB0211	4/03	4/12	4/12	4/15	CONCUR				4/16 4/15
HB0267	2/04	2/15	2/15		CONCUR				2/16 2/15
HB0298	2/07	3/06	3/06		CONCUR AS AMENDED				3/07 3/6

1 HOUSE BILL NO. 144

2 INTRODUCED BY MARKS, ASAY, DONALDSON, LANE,
3 YELLOWTAIL, H. HAMMOND, EUDAILY, KEYSER
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT AT
6 LEAST ONE-HALF OF ANY HIGH SCHOOL TUITION OBLIGATIONS FOR
7 PUPILS ATTENDING HIGH SCHOOL OUTSIDE THE COUNTY OF RESIDENCE
8 BE PAID IN-DECEMBER-AND-THE-REMAINDER-BE-PAID-NO-LATER--THAN
9 THE--END BY JUNE 1 OF THE SCHOOL FISCAL YEAR; AMENDING
10 SECTION 20-5-312, MCA; AND PROVIDING AN EFFECTIVE DATE."
11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 20-5-312, MCA, is amended to read:

14 "20-5-312. Reporting, budgeting, and payment for high
15 school tuition. (1) At the close of the school term of each
16 school fiscal year, the trustees of each high school
17 district shall determine the rate of tuition for the current
18 school fiscal year by:

19 (a) totaling the actual expenditures from the district
20 general fund, the debt service fund, and, if the pupil is a
21 resident of another county, the retirement fund;

22 (b) dividing the amount determined in subsection
23 (1)(a) above by the ANB of the district for the current
24 fiscal year, as determined under the provisions of 20-9-311;
25 and

1 (c) subtracting the total of the per-ANB amount
2 allowed by 20-9-316 through 20-9-321 that represents the
3 foundation program as prescribed by 20-9-303 plus the
4 per-ANB amount determined by dividing the state financing of
5 the district permissive levy by the ANB of the district,
6 from the amount determined in subsection (1)(b) above.

7 (2) Before July 15, the trustees shall report to the
8 county superintendent of the county in which the district is
9 located:

10 (a) the names, addresses, and resident districts of
11 the pupils attending the schools of the district under an
12 approved tuition agreement;

13 (b) the number of days of school attended by each
14 pupil;

15 (c) the amount, if any, of each pupil's tuition
16 payment that the trustees, in their discretion, shall have
17 the authority to waive; and

18 (d) the rate of current school fiscal year tuition, as
19 determined under the provisions of this section.

20 (3) When the county superintendent receives a tuition
21 report from a district, he shall immediately send the
22 reported information to the superintendent of each district
23 in which the reported pupils reside.

24 (4) When the district superintendent receives a
25 tuition report or reports for high school pupils residing in

his district and attending an out-of-district high school under approved tuition agreements, he shall determine the total amount of tuition due such out-of-district high schools on the basis of the following per-pupil schedule: the rate of tuition, number of pupils attending under an approved tuition agreement, and other information provided by each high school district where resident district pupils have attended school.

(5) The total amount of the high school tuition, with consideration of any tuition waivers, for pupils attending a high school outside the county of residence shall be financed by the county basic special tax for high schools as provided in 20-9-334. In December, the county superintendent shall cause the payment by county warrant of at least one-half of the high school tuition obligations established under this section out of the first moneys realized from the county basic special tax for high schools. The remaining obligations must be paid no later than the end of the school fiscal year. The payment payments shall be made to the county treasurer of the county where each high school entitled to tuition is located. The county treasurer shall credit such tuition receipts to the general fund of the applicable high school district, and the tuition receipts shall be used in accordance with the provisions of 20-9-141.

(6) For pupils attending a high school outside their

district of residence but within the county of residence, the total amount of the tuition, with consideration of any tuition waivers, must be paid during the ensuing school fiscal year. The trustees of the sending high school district shall include the tuition amount in the tuition fund of the preliminary and final budgets. This budgeted tuition amount is not subject to the budget adjustment provisions of 20-9-132. The county superintendent shall report the net tuition fund levy requirement for each high school district to the county commissioners on the second Monday of August, and a levy on the district shall be made by the county commissioners in accordance with 20-9-142. This levy requirement shall be calculated by subtracting from the total expenditure amount authorized in the final tuition fund budget the sum of the cash balance in the tuition fund at the end of the immediately preceding school fiscal year plus any other anticipated money that may be realized in the tuition fund. The trustees shall pay by warrants drawn on the tuition fund the tuition amounts owed to each district included in the county superintendent's notification. Payments shall be made whenever there is a sufficient amount of cash available in the tuition fund but no later than the end of the school fiscal year for which the budget is adopted. However, if the trustees of either the sending or receiving high school feel the transfer

1 privilege provided by this subsection is being abused they
2 may appeal to the county superintendent of schools who shall
3 hold a hearing and either approve or disapprove the
4 transfer."

5 NEW SECTION. SECTION 2. EFFECTIVE DATE. THIS ACT IS
6 EFFECTIVE JULY 1, 1985.

-End-

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

February 11, 1985

The eleventh meeting of the Senate Education and Cultural Resources Committee was called to order by the Vice Chairman, Senator Pinsoneault, at 1:05 p.m. in Room 402, State Capitol Building.

ROLL CALL: All members were present except Senator Blaylock, who was excused.

CONSIDERATION OF HOUSE BILL 144: The bill was presented by Helen Williams, Jefferson County Superintendent of Schools and representative of the Association of County Superintendents, for the sponsor, Representative Bob Marks, who was in session (Exhibit #1).

PROPOSERS:

WAYNE BUCHANEN, representing the Montana School Boards Association, spoke in favor of the bill.

BILL ANDERSON, Office of Public Instruction, said OPI supports the bill.

There were no further proposers and no opponents to the bill.

DISCUSSION:

SENATOR McCALLUM asked if the date June 15 instead of June 1 would be better as more tax dollars would have been collected. Mrs. Williams felt that would be a beneficial change.

CONSIDERATION OF HOUSE BILL 194: REPRESENTATIVE KOEHNKE, District 32, sponsor of the bill, stated the bill pertains only to county high schools and provides that the trustees of a county high school may call for an election on whether to issue bonds for a county high school without a petition calling for such an election. He stated as the law stands now a petition signed by 20% of the registered voters had to be obtained before an election. This requirement applies only to county high schools and the bill simply brings the law into conformity with the law affecting all other high schools.

backwards to stay out of trouble. She stated further that well more than half of the new employees have preference.

SENATOR HAFHEY asked Representative Brown to clarify the response from the Women's Lobbyist Group.

REPRESENTATIVE BROWN said the group sees the bill as neither a help or a hinderance, therefore they were taking no stand.

SENATOR REGAN suggested taking professional people out and leaving the rest of the positions covered by the provisions of the bill.

REPRESENTATIVE BROWN said 2180 are professional and 1000+ are administrative. He said it wouldn't work and all need to be covered.

REPRESENTATIVE BROWN closed by saying he promised to bring this legislation back at the special session and here it is. He said he feels this is where the legislation should have stopped in that session. Further, there would be no further inroads made after this. He feels there is a clear line of demarcation and up to today he had been a strong supporter of community colleges. He felt Mr. Schram was protesting too much. He commented he resents this being represented as a shot to women as he is a strong supporter of women's rights and pointed out women's veterans ranks are going to be growing in the near future. He urged support for the bill.

ACTION ON HOUSE BILL 144:

SENATOR McCALLUM moved to amend the bill in the title and on page 3, line 18 from June 1 to June 15. The motion carried unanimously with Senator Blaylock absent.

SENATOR McCALLUM moved HB 144 BE CONCURRED IN AS AMENDED. The motion carried unanimously with Senator Blaylock absent. Senator Yellowtail will carry the bill on the floor.

RECONSIDERATION OF HOUSE BILL 11:

SENATOR PINSONEAULT said there was a request to bring HB 11 back to committee for further consideration as the School Board Association hasn't had a chance to review and comment on the amended bill.

COMMITTEE ON

DATE

Feb. 11, 1985

Education & Cultural Resources

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
John Williams	Co. Supt of Schools, Jeff	144	✓	
Kathy Lamp	Mont. League of Women Voters	111		✓
Margie Green	Mont. Fair Bureau	111	✓	
Laura Frank	"	111	✓	
Agnes Hanson	American Legion of Mont	111	✓	
Jim H. Lindsey	" " "	111		
Linda Forrey	Broadwater Co High School	194	✓	
LeRoy H. Schramm	Mt. Univ System	111		✓
Richard T. Laine	MKISS	144	✓	
Dave Brown	Butte SB Reg #72 - sponsor	111	✓	
Joe Brand	Helena	111	✓	
Bob Durbin	"	111	✓	
Jack Edwards	D.A.V.	111	✓	
Weldon H. Howe	Miles Community College	111		✓
Howard Fryatt	Flathead Valley C. College	111		✓
Charlie Kintz	Dawson Community College	111		✓
Don Kettner	" " "	111		✓
Ellen Fever	Dept of Administration			
Bill Andrus	OPI	144-194	✓	

EXHIB
HB 11
HB 12
SEN. 21
CLERK

NAME Helon Williams BILL No. H.B. #144
ADDRESS Jefferson Co. Supt. of Schools
Boulder, Mt. DATE 2/10/86
WHOM DO YOU REPRESENT Jeff. Co. Supt. of Schools
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I support HB#144 because it change the law to reimburse out of county h.s. tuition into 2 equal payments, June & Dec., rather than one. If enac. this will ease the burden in sm. counties where the county tax collections are insufficient to pay Unappropriated H.S. & the h.s. tuition. The out of county tuition for Jeffers. Co. is over \$130,000 for 1983-84.

UNAPPROPRIATED H.S. DISTRIBUTION: AMOUNT \$ 122,514.77

COUNTY TUITION :

Willow Creek	\$ 2,072.68=1/2
3-Forks	1,549.21=1/2
Helena H.S.	118,892.88
	<u>\$ 122,514.77</u>

UNAPPROPRIATED H.S.

Jefferson H.S. #1--0
Whitehall H.S. #2--0

Total amount owed Helena H.S. is \$ 124,372.48
Amount paid: 118,892.88
Balance owed: \$ 5,479.60

STANDING COMMITTEE REPORT

February 11, 19 85

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE BILL No. 144

third reading copy (blue)
color

(Senator Yellowtail will carry the bill.)

TO PROVIDE THAT HIGH SCHOOL TUITION PAYMENTS BE PAID IN DECEMBER
AND JUNE

Respectfully report as follows: That HOUSE BILL No. 144

be amended as follows:

1. Title, line 9.
Following: "JUNE"
Strike: "1"
Insert: "15"

2. Page 3, line 18.
Following: "JUNE"
Strike: "1"
Insert: "15"

AND AS AMENDED
BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

Senator Chat Blaylock,

Chairman.

HOUSE BILL NO. 144

INTRODUCED BY MARKS, ASAY, DONALDSON, LANE,
YELLOWTAIL, H. HAMMOND, EUDAILY, KEYSER

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT AT
LEAST ONE-HALF OF ANY HIGH SCHOOL TUITION OBLIGATIONS FOR
PUPILS ATTENDING HIGH SCHOOL OUTSIDE THE COUNTY OF RESIDENCE
BE PAID IN-DECEMBER-AND-THE-REMAINDER-BE-PAID-NO-LATER--THAN
THE--END BY JUNE ± 15 OF THE SCHOOL FISCAL YEAR; AMENDING
SECTION 20-5-312, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-5-312, MCA, is amended to read:

"20-5-312. Reporting, budgeting, and payment for high
school tuition. (1) At the close of the school term of each
school fiscal year, the trustees of each high school
district shall determine the rate of tuition for the current
school fiscal year by:

(a) totaling the actual expenditures from the district
general fund, the debt service fund, and, if the pupil is a
resident of another county, the retirement fund;

(b) dividing the amount determined in subsection
(1)(a) above by the ANB of the district for the current
fiscal year, as determined under the provisions of 20-9-311;
and

(c) subtracting the total of the per-ANB amount
allowed by 20-9-316 through 20-9-321 that represents the
foundation program as prescribed by 20-9-303 plus the
per-ANB amount determined by dividing the state financing of
the district permissive levy by the ANB of the district,
from the amount determined in subsection (1)(b) above.

(2) Before July 15, the trustees shall report to the
county superintendent of the county in which the district is
located:

(a) the names, addresses, and resident districts of
the pupils attending the schools of the district under an
approved tuition agreement;

(b) the number of days of school attended by each
pupil;

(c) the amount, if any, of each pupil's tuition
payment that the trustees, in their discretion, shall have
the authority to waive; and

(d) the rate of current school fiscal year tuition, as
determined under the provisions of this section.

(3) When the county superintendent receives a tuition
report from a district, he shall immediately send the
reported information to the superintendent of each district
in which the reported pupils reside.

(4) When the district superintendent receives a
tuition report or reports for high school pupils residing in

his district and attending an out-of-district high school under approved tuition agreements, he shall determine the total amount of tuition due such out-of-district high schools on the basis of the following per-pupil schedule: the rate of tuition, number of pupils attending under an approved tuition agreement, and other information provided by each high school district where resident district pupils have attended school.

(5) The total amount of the high school tuition, with consideration of any tuition waivers, for pupils attending a high school outside the county of residence shall be financed by the county basic special tax for high schools as provided in 20-9-334. In December, the county superintendent shall cause the payment by county warrant of at least one-half of the high school tuition obligations established under this section out of the first moneys realized from the county basic special tax for high schools. The remaining obligations must be paid no later than the end BY JUNE 15 of the school fiscal year. The payment payments shall be made to the county treasurer of the county where each high school entitled to tuition is located. The county treasurer shall credit such tuition receipts to the general fund of the applicable high school district, and the tuition receipts shall be used in accordance with the provisions of 20-9-141.

(6) For pupils attending a high school outside their district of residence but within the county of residence, the total amount of the tuition, with consideration of any tuition waivers, must be paid during the ensuing school fiscal year. The trustees of the sending high school district shall include the tuition amount in the tuition fund of the preliminary and final budgets. This budgeted tuition amount is not subject to the budget adjustment provisions of 20-9-132. The county superintendent shall report the net tuition fund levy requirement for each high school district to the county commissioners on the second Monday of August, and a levy on the district shall be made by the county commissioners in accordance with 20-9-142. This levy requirement shall be calculated by subtracting from the total expenditure amount authorized in the final tuition fund budget the sum of the cash balance in the tuition fund at the end of the immediately preceding school fiscal year plus any other anticipated money that may be realized in the tuition fund. The trustees shall pay by warrants drawn on the tuition fund the tuition amounts owed to each district included in the county superintendent's notification. Payments shall be made whenever there is a sufficient amount of cash available in the tuition fund but no later than the end of the school fiscal year for which the budget is adopted. However, if the trustees of either

1 the sending or receiving high school feel the transfer
2 privilege provided by this subsection is being abused they
3 may appeal to the county superintendent of schools who shall
4 hold a hearing and either approve or disapprove the
5 transfer."

6 NEW SECTION. SECTION 2. EFFECTIVE DATE. THIS ACT IS
7 EFFECTIVE JULY 1, 1985.

-End-